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| 10/697,027 | 10/31/2003 | Kazuo Okada | SHO-0043 | 1099 |
| 23353 7590 03/30/2011 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036 | | | EXAMINER HSU, RYAN | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/697,027

Applicant(s)

OKADA, KAZUO

Examiner

RYAN HSU

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20, 22-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20, 22-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-940)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/4/2011.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

In response to the Request for Continued Examination (RCE) under 37 CFR 1.114 filed on 3/4/2011. Claim 20 has been amended and claim 21 has been canceled without prejudice. Claims 24-42 have been added. Claims 20, 22-42 are pending in the current application.

Information Disclosure Statement

1. Applicant should note that the large number of references in the attached IDS (3/4/11) have been considered by the examiner in the same manner as other documents in Office search files are considered by the examiner while conducting a search of the prior art in a proper field of search. **See MPEP 609.05(b)**. Applicant is requested to point out any particular references in the IDS which they believe may be of particular relevance to the instant claimed invention in response to this office action.

Response to Arguments

2. Applicant's arguments filed 3/4/2011 have been fully considered but they are not persuasive. Applicant's representative argues that Muir is deficient because unlike all of the pending claims, Muir fails to teach a diffusion layer that is disposed between the glass panel LCD monitor and the backlighting panel. As asserted by the representative, "[f]or this reason alone, the cited prior art cannot be used to render obvious the pending claims". The representative continues that Examiner has failed to teach a diffusion layer and has made conclusory statements that cannot be used to support a claim rejection. Moreover, the applicant's representative the shutter device [76] of Muir appears to be a critical part in Muir's display which then would incorporate a much different type of design for his display and that specific design has resulted in Muir failing to mention, teach or even suggest a "diffusion layer"

between Muir's glass panel LCD monitor [68] and the backlighting panel [84]. Examiner disagrees on all accounts. It appears that the applicant's representative has failed to understand the position in which the examiner has interpreted the prior art.

3. The claims of the instant invention are directed towards a gaming machine comprising a variable display device for variably displaying symbols associated with an award (ie: reels) and a front display device disposed in front of the variable display device. Muir exhibits both of these structural requirements for the aforementioned game machine. The limitations then shift to specific elements of the front display device. The prior art of Muir teaches an LCD which is described as "a multi-layered structure and includes a glass panel LCD monitor [68]" (see [0057-0058]). The specific layers of an LCD display device are not disclosed as they are old and well known in the arts. They consist of a transparent liquid crystal display panel, a light guiding plate, a rear holder, and a diffusion sheet disposed in between transparent liquid crystal display panel and an illumination part. The applicant's interpretation of mere conclusory statements was to emphasize that the limitations merely described the multiple layers of an LCD display device.

4. The examiner will now attempt to provide a quick summary of how LCD display devices operate to display an image to a screen. Looking to the prior art of Ohta et al., an LCD device comprises back light device and a lcd panel. The back light is used to provide luminance to the display area of the panel so that objects displayed on the panel may be viewed by a user at a position in front of the LCD device. The back light of an LCD incorporates a light guiding plate that can disperse the light from the illumination source such as fluorescent or cathode tubes. In 1997, Ohta disclosed a back light device for an LCD display that had a reflector (2b of Fig. 1) which was provided to reflect the light from the linear light source (col. 5: ln 32-38). The

reflected light entered the light guiding plate and the light is totally reflected by the light emitting face and the reflecting face of the light guiding plate so as to propagate the light through the light emitting face so that it will be irradiated towards the liquid crystal display panel (see col. 5: ln 62-col. 6: ln 12). Moreover, Ohta describes a schematic arrangement in Fig. 9 of a back light device which is positioned behind the back face of a liquid crystal display panel with a diffusion sheet that is laminated between the lcd panel and the back light device. The diffusion sheet is used to uniformly diffuse a light emitted from the back light device on the whole face of the lcd panel. Moreover, Ohta discloses a reflecting plate holder, analogous to the rear holder, as it is provided in order to fix the reflecting plate laminated on the rear side of the base of the light guiding plate (see col. 7: ln 5-17). To show that this structure is old and well known and established in the display arts, Yamamoto is asserted by the Examiner to further teach these elements.

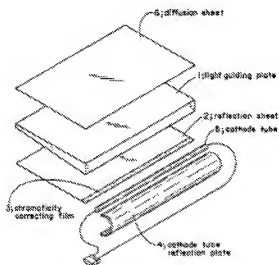


FIG. 3

6. As can be seen from Fig. 1 of Yamamoto, the back-light device for a liquid crystal display comprises of a diffusion sheet that is separated between the lcd panel (not shown) and the light guiding plate. The rejection sheet is further disposed behind the light guiding plate. Applicant's representative is encouraged to look through the description of the related art and the summary of the invention for an understanding of the state of the art for lcd display devices (see col. 1: ln 12-67 and col. 2: ln 25-53).

7. In light of these references, it was the intention and position of the Examiner to show that the LCD display device of Muir would have inherently had all of the features. In *arguendo*, even if the applicant's representative disagrees this assertion in light of the evidence presented above, the teachings of Yamamoto and Orta would have rendered the elements of a reflective layer, diffusion layer obvious to one of ordinary skill in the art at the time the invention was made. The applicant's representative cites in the "Response to Office Action Dated December 7, 2010" on page 11 that "Muir failing to mention, teach or even suggest anything about "diffusion layer" between the glass panel LCD monitor [68] and the backlighting panel [84]. As it is presently understood the backlighting panel [84] would have inherently incorporated a diffusion layer in order for the image of an LCD display device to be seen by a user. For the reasons provided above, the applicant's arguments are not deemed persuasive and the rejection has been maintained as described below.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 20, 22-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miur et al. (US 2005/0192090 A1) and Ohta (US 5,673,128) and Uchiyama et al. (US 6,638,165 A).**

10. Regarding claims 20, 24, 28, and 33, Miur et al. teaches a gaming machine comprising: a variable display device for variably displaying symbols (see [0006-0012]). Additionally, Muir discloses a front display device disposed in front of the variable display device wherein the front display device includes a transparent liquid crystal display panel through which the variable display device is able to be seen (see element 16 of Fig. 8). This is shown through Muir's incorporation of light transmitting symbol which can appear through the transparent LCD display device, which comprises of the light crystal display panel and a backlighting panel, may display symbols in place of the symbols on the variable display device (see Figs. 6-7 and the related description thereof, [paragraph [0011, 0018, 0022-0029], [0051-0053]). This creates the effect of the front display device to display the image for effect on a portion of the display window. Therefore, Muir teaches a transparent liquid crystal display panel for display an image for effect while transparently displaying the symbols of the variable display device. The display device taught by Muir inherently teach a light guiding plate disposed between the transparent liquid crystal display panel and the variable display device, the light guiding plate for guiding light from a lateral of the light guiding plate to a rear side of the transparent display panel the light having been emitted from a light source via the backlighting panel (see Fig. 8 and the related description thereof, paragraph [0017-0020], [0054-0064]). The backlighting panel of an LCD display incorporates these elements in order to illuminate the lcd panel so that the image may be

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viewed by a user. Furthermore, Muir teach a rear holder (*see element* '60' and '64' of Fig. 8 and the related description thereof) for holding the transparent liquid crystal display panel and the light guiding plate and an illumination part disposed at a rear side of the rear holder so that the symbols on the variable display are aligned at a position corresponding to the display window of the front display device and the openings for transparently displaying the symbols of the variable display device are within the display window of the front display device (see Fig. 8 and the related description thereof). It is generally well known in the arts that a holder may be used to mount the display device in the proper position so that it will be attached to the game machine housing. However, Muir is silent specifically describing a light guiding plate and a rear holder to be provided with openings respectively at a position corresponding to the display window.

Although Muir does not specifically teach physical openings these windows serve as openings within the plate in order to produce the expected result of provide a clear view to the symbols for the user (see paragraph [0014-0017]). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate providing openings into different elements to produce the expected result of clearing an obstructed view when different displays are placed in front of one another. Additionally, Muir teaches an illuminating part that illuminates the display window of the front display device through the openings of the light guiding plate and the rear holder and illuminates the symbols variably displayed on the variable display device in the form of a backlighting arrangement including a transparent panel [85] which includes a pair of illuminating elements [86] that are used to further enhance the display device (see paragraph [0066-0067]). Muir inherently teach that the illuminating layer forms a light guiding plate that provides an opening in an area in which the symbols on the variable

display device are displayed through the transparent lcd display so as to decrease obstacles between the transparent liquid crystal display panel and the variable display device in order to ensure visibility of the symbols. However, Muir is silent with respect to producing an effect on a portion other than the display window.

11. In the LCD display arts, Ohta teaches a back light device of a liquid crystal display that includes illumination elements and teaches a schematic arrangement of a back light device that positioned behind the back face of an lcd panel and a diffusion sheet that is laminated between the lcd panel and the back light device. The diffusion sheet is taught to uniformly diffuse a light emitted from the back light device on the whole face of the lcd panel and a reflecting plate holder is provided in order to fix the reflecting plate to the rear side of the base of the light guiding plate (see col. 7: ln 5-18). One would have been motivated to look towards Ohta to understand the state of the display arts and the elements of an LCD display device. However, Muir and Ohta are silent with respect to producing an effect on a portion other than the reel display window.

12. In an analogous gaming patent, Uchiyama teaches another example of a gaming machine that comprises two displays that are placed one in front of the other. Uchiyama teaches that one display is a mechanical or physical reel system while the other is video display device (see Fig. 8(a-c) and the related description thereof). Uchiyama teaches in addition to the features of Muir a video display device is capable of displaying light transmitting symbols that can variably move about the screen and display effects that are in an area other than where the symbols are displayed using a variable display device(see col. 12: ln 21-col. 13: ln 40). Furthermore, Uchiyama specifically teaches the a front display device to display the image for effect on a portion other than the display window, where symbols formed on a variable display device are

displayed by a reel display and images for effect are display on the transparent liquid crystal display panel. One would be motivated to incorporate the features of Uchiyama with that of Muir in order to create a more stimulating visual experience for the user. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Muir with that of Uchiyama as it would not change the physical capabilities of Muir invention but would add an element that is known in the arts as creating a more visually stimulating experience.

13. Regarding claims 22-23, 34-37, 38-40, Muir in view of Ohta teach a gaming machine where the diffusion sheet disposed between the transparent liquid crystal display panel and the light guiding plate, the diffusion sheet disposed between the transparent liquid crystal display panel and the light guiding plate, the diffusion sheet for diffusing the light toward the transparent liquid crystal display panel (see Ohta, col. 7: ln 5-18), the light having been guided by the light guiding plate and the rear holder, the diffusion sheet provided with an opening corresponding to the opening of the light guiding plate so that the symbols on the variable display device are displayed on the transparent liquid crystal display panel through the opening of the light guiding plate (see Fig. 8 and the related description thereof). Additionally, Muir teaches a gaming machine that includes a rear holder that has a function of reflecting on the transparent liquid crystal display panel, the light emitted from the light source to the lateral of the light guiding plate (see element [78, 64, 60, and 80] of Fig. 8 and the related description thereof).

Furthermore, Muir teaches a variable display unit that contains all the limitations of the instant claims however they are not necessarily in the direct order in which the current limitations have specified such as an illumination part disposed between the rear face of the light guiding plate.

Such differences do not effect the effect between the prior art and the instant invention. For example, having a light source layer either before or after or lateral to the light guiding plate would not affect the overall output or create a novel appearance created by such a design with respect to the illumination plate that would produce an unexpected result. Therefore it would have been an obvious matter of design choice to one of routine skill in the art to select where the light source layer would occur. Furthermore, the front display and variable reel display are capable of performing the limitations directed towards aligning the panel with the discrete viewing areas or with respect to the reels are understood by the openings provided in [76] and [60] of Fig. 8 and the related description thereof of Muir. Additionally, the instant claims are directed towards attributes that are inherent with a light guiding plate. When a solid object is placed in front of a lighted area, only the places where an opening exists will light be projected out of the source. Thus it would have been obvious to one of ordinary skill in the art to produce the expected result that using a light guiding plate would allow for the light to reveal the reels would be projected to provide the user the ability to see the reels of a gaming machine.

14. Regarding claims 25-27, 29-31, 37-38, Muir teaches a gaming machine wherein the plurality of discrete viewing areas are openings, in a rectangular shape, and displays game effects of the wagering game.

15. Regarding claims 32 and 41, Ohta teach a light source positioned to emit the light guiding layer (see col. 5: ln 60-col. 6: ln 11).

16. Regarding claim 42, Muir teach a liquid crystal panel that displays a game effects of the wagering game (see paragraph [0053]).

Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be direct to Ryan Hsu whose telephone number is (571)-272-7148. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached at (571)-272-4430.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 1-866-217-9197 (toll-free).

RH

March 26, 2011

/Dmitry Suhol/

Supervisory Patent Examiner, Art Unit 3716